

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16326 of the D.C. Public Schools and the Corcoran Gallery of Art, pursuant to 11 DCMR 3108.1, for a special exception under the provisions of Section 206 to establish an art school in an existing school building in an R-3 District at premises 1801 35th Street, N.W. (Square 1297, Lot 851).

HEARING DATES: March 18 and April 15, 1998

DECISION DATE: May 6, 1998

CORRECTED ORDER*

SUMMARY OF EVIDENCE OF RECORD:

1. The public hearing was originally scheduled to be held on March 18, 1998. On that date, the Board postponed the hearing and rescheduled it for April 15, 1998.

2. The subject property is located in Square 1297, which is bounded by 34th, 35th and R Streets, N.W., Wisconsin Avenue and Whitehaven Parkway. The address of the premises is 1801 35th Street, N.W. The subject property is located in the R-3 zone, and is within the boundaries of the Old Georgetown Historic District. The subject property is a through lot, rectangular in shape, having frontage on both 34th and 35th Streets, and consisting of approximately 54,292 square feet of land area. The subject property is developed with a three-story building of masonry construction, which was built in 1892 as a public school.

3. The subject property, known as the Fillmore Elementary School, is presently owned by the District of Columbia Public Schools and is being sold as surplus property. The Corcoran Gallery of Art is the contract purchaser and intends to use the property as an art school. This application is for the use of the entire school building and grounds (Lots "of B," "of 9," "of 47," 48, 49, "of 50," and "of 51," as shown on the Plat of Survey submitted in the record).

4. The Corcoran School of Art is a part of the Corcoran Gallery, located at 17th Street and New York Avenue, N.W. The Corcoran School of Art officially opened in 1890 with 40 students in both day and evening classes. Today the Corcoran School of Art has an enrollment of over 3,300 students of all ages, the vast majority of whom are in the Continuing Education/Open Program. Students take classes in ceramics, computer graphics, design, drawing and painting, photography, printmaking, sculpture, video production, and silk-screen and papermaking.

*This order was corrected administratively to provide the accurate exhibit numbers for the plans approved by the Board of Zoning Adjustment. The correction appears on page 6 of the order, condition number 7, and changes the exhibit number from 26 to the correct exhibit numbers - 40G and 40F, respectively.

5. In addition to its downtown location, the Corcoran School of Art leases a building at Wisconsin Avenue and Reservoir Road, just over two blocks from the subject site, where it holds classes in graphic design, computer graphics, silk-screen and papermaking, drawing, and painting. That building is located in a commercial zone, contains approximately 18,000 square feet of floor area, and has very limited parking. Students who drive to that site must compete with the neighbors for on-street parking. The Corcoran proposes to purchase the subject building as a replacement facility for that leased space. The three-story former public school building is slightly smaller in size than the existing location, and is an ideal facility for the Corcoran. The new building will have on-site parking for 99 vehicles. The proposed art school use represents the continuation of the education use of the subject property which has existed since 1892.

6. A small area on the site to the north of the school building is currently improved with a playground. The Corcoran intends to upgrade the playground for continued use by the children of the neighborhood. The paved area behind the school in the middle of the site was previously used for parking for 50 cars and for student recreation. That portion of the lot, referred to as Phase I of the parking area, will be restriped with 48 parking spaces. The easternmost portion of the lot is unpaved, and is subject to a maximum two-year easement to the D.C. Public Schools for recreation use by the students of the adjacent public school building. After the expiration of the easement, this portion of the lot, referred to as Phase II of the parking area, will also be paved and devoted to accessory parking for an additional 51 cars. The 99-car parking lot will include 33 compact parking spaces, 3 handicapped-accessible spaces, and one service/delivery loading space. Four "Washington globe" light poles will be installed in the accessory parking lot. The parking lot will be screened from 34th Street by the installation of plantings and landscaping. Vehicle access to the parking area will continue through a driveway leading from the parking area to 34th Street. This driveway access is subject to a permanent easement to the Corcoran from the D.C. Public Schools.

7. The art school will consist of approximately 16 classrooms and faculty offices located throughout the building (basement, first, second floors, and top floor "attic"). The school building will be open seven days a week, from approximately 8:00 a.m. to 11:00 p.m. The existing class schedule will continue at the new site. There will be three class sessions per day, from 9:00 a.m. to 12:00 p.m., 1:00 p.m. to 4:00 p.m. and 6:30 p.m. to 9:30 p.m. During the weekends, classes will be primarily for children, and will be held principally in the morning, as they are at present. There will be no weekend evening classes. All students generally arrive at the building for the first session between 8:45 and 9:15 a.m. Students in the evening session generally leave the building within one-half hour after that session is over. There will be an average of up to 140 students on site at any one time, with a maximum average of up to 12 teachers on site at any one time. There will be on occasion typically no more than 20-25 students maximum who may stay after 9:30 p.m. to work on projects. There will also be a building engineer, a custodial staff and a security staff on site when the building is open.

8. Dr. David Levy, President and Director of the Corcoran, testified as to how the application meets the specific criteria of Section 206 of the Zoning Regulations. He also testified that after the March 18, 1998 public hearing was postponed by the Board, Corcoran

representatives commenced a series of discussions and meetings with the neighbors, the Advisory Neighborhood Commission (ANC) and the Office of Planning in an attempt to resolve concerns about the proposal. Dr. Levy submitted copies of correspondence with the community and the Office of Planning, evidencing the issues discussed and the proposals made to address the concerns raised in those discussions. In addition to the architectural services of Mr. Arthur Cotton Moore, a noted District of Columbia architect, the Corcoran retained the services of James van Sweden, a respected landscape architect, to address landscaping and screening issues. A number of changes were made to the site plan in direct response to neighborhood concerns. The originally-proposed egress from the parking area to the public alley on the south side was deleted from the plan. The 15-foot wide vehicular access easement on the north side of the parking area will be increased to 20 feet, to more easily accommodate two-way traffic. A trash compactor/dumpster has been added to the plan, and will be screened with a wooden fence and surrounded with landscaping. There will be a service/delivery loading bay adjacent to the dumpster for trash pick-ups, and for use by service delivery vehicles. The existing trees on the property at the east side of the lot adjacent to 34th Street, are unhealthy, and will be removed. The existing chain link fence along the south and east sides will also be removed in Phase II. The area available for landscaping along 34th Street has been increased to include 12 feet of private property, plus approximately six feet between the eastern lot line and the sidewalk, for a total of up to approximately 18 feet. The new landscaping and buffering plan along the eastern and southern boundaries will include a metal picket fence, seven feet in height, adjacent to the parking spaces and drive aisles, with opaque plantings and landscaping along the planting areas as shown on the revised parking plan submitted at the public hearing of April 15, 1998. A plan for specific plantings and landscaping will be developed by Mr. van Sweden, and will be subject to community comment and review by the Old Georgetown Board and Commission of Fine Arts. The applicant also submitted at the hearing a list of operating characteristics of the art school that was developed after consultation with community representatives and the Office of Planning.

9. The applicant's architect, Arthur Cotton Moore, described the proposed use of the building and the originally proposed parking layout. He also addressed the specific modifications to the site plan (described above) that were made as a result of discussions with the community and the Office of Planning.

10. The applicant's transportation expert, Robert Morris, submitted a traffic report to the record, and also testified on additional issues raised by the Office of Planning during its review of the application concerning traffic impact on 34th Street and adequacy of parking.

11. The Office of Planning, by report dated April 15, 1998, and by testimony at the public hearing, indicated support for the application. The Office of Planning representative also testified that he consulted with the Department of Public Work officials of which orally reported that 99 parking spaces would be sufficient for the proposed occupancy of the building as described herein. The Office of Planning recommended that the Board's approval include specific approval of the site plan and the list of operating conditions submitted by the applicant at the public hearing. The Office of Planning was of the opinion that the application, with these conditions, meets the criteria for special exception approval.

12. Advisory Neighborhood Commission (ANC) 2E, by letters dated March 5 and April 10, 1998, and by testimony at the public hearing, supported the application. The Chairperson of ANC 2E requested a waiver of the rules to allow the written report of April 10, 1998 to be submitted to the record, because the ANC meeting was held on April 7, 1998 and the ANC was unable to submit the written report within the required seven days. The Board waived the rules and accepted the written report. The Chairperson of ANC 2E testified that seven of the eight members of the ANC were present when the unanimous vote to approve was taken. The letter of support dated April 10, 1998 reflects three conditions which have been met by the applicant as reflected in the site plan, the list of conditions, and the correspondence with the community that were submitted by the applicant at the public hearing.

13. Two neighbors testified in support of the application. Residents of six properties on 34th Street, N.W. also submitted letters in support of the application. In addition, letters of support were submitted by the Burleith Citizens Association, and by Westy Byrd, a Commissioner of ANC 2E.. The letters and testimony indicated that the Corcoran has been responsive to concerns raised by the neighbors, as shown in its correspondence and list of proposed conditions.

14. Two residents of 34th Street testified in opposition to the application. One of those two individuals submitted letters from the owners of two other properties on 34th Street, authorizing him to speak on their behalf. He testified that he also spoke on behalf of a third individual but did not submit any written authorization for that representation when requested to do so. The testimony of the two witnesses included opposition to the use of the parking area by a flea market which is currently held on Sundays in the parking area of the adjacent Hardy School to the north of the subject site. One of the two individuals testified that his opposition could be addressed by the expansion of the buffer strip along 34th Street in the parking area by an additional 19 feet in depth. The other opponent testified that he did not learn of the parking area proposal until March 16, although he received notice of the hearing from the Board on March 1. He objected to the amount of traffic along 34th Street. He did not identify any particular concerns with respect to the details of the proposed application before the Board.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The application complies with the provisions of 11 DCMR Sections 206 and 3108.1 of the Zoning Regulations.

2. The expanded planting area along 34th Street, combined with the opaque screening and landscaping to be developed by the landscape architect will address the reasonable concerns of the neighbors for an adequately buffered landscape perimeter. The plan will be subject to community review, as well as review by the Old Georgetown Board and the Commission of Fine Arts before it is made final.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish an art school in an existing school building in an R-3 District. The granting of such special exception relief requires that the applicant demonstrate that it has complied with the requirements of Section 206 and Subsection 3108.1 of the Zoning Regulations.

The Board concludes that the applicant has met the applicable burden of proof. The Board concludes that the Corcoran School of Art will not be a detriment to the public good, and the operation of the school is not likely to become objectionable to adjoining or nearby property. Further, the school will be in harmony with existing uses on neighboring properties. The Board concludes that the operational characteristics, location and physical description of the proposed Corcoran School of Art will not impair the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board further concludes that it has accorded Advisory Neighborhood Commission 2E the “great weight” to which it is entitled. Accordingly, it is hereby **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials, which forms an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.
2. The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.
3. No other use shall be conducted from or upon the premises, and no structure other than an attendant’s shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the district in which the parking lots are located.
4. Any new lighting used to illuminate the accessory parking spaces shall be arranged so that all direct rays are confined to the surface of the parking lot.
5. The parking lot shall be kept free of refuse and debris.
6. All parts of the lot not devoted to parking areas, driveways, access lanes, attendant’s shelter, or required screening walls shall be kept free of refuse and debris and shall be paved and landscaped.
7. The applicant shall adhere to the Landscaping and Parking Layout plan as shown

on the Site Plan marked as Exhibit No. 40G of the record. Deliveries, supplies, trash receptacle, trash pick-up, loading and traffic shall be handled in a manner consistent with Exhibit No. 40F. The easement area shall remain in its present state, including the existing fencing and trees, until the expiration of the easement. All improvements to the parking area, including fencing, landscaping, and lighting shall be undertaken when Phase II becomes available for parking. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

8. The parking lot shall be secured when not in use to keep uninvited automobiles from parking on the lot.
9. The hours of operation of the parking lot shall be between 7:00 a.m. and 11:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m. on weekends.
10. The tot lot located on the northwest corner of the property shall be enhanced by the Corcoran School, and shall be maintained in good condition for use of the neighboring children for as long as the community continues to assume its current responsibilities regarding that facility.
11. The average number of students of up to 140 shall be on site at any one time during the daytime and evening sessions.
12. An average of up to 12 teachers shall be on site at any time.
13. There shall be no alley cut and no vehicular access from the parking area to the alley bordering the south of the property.

VOTE: **4 – 0** (Betty King, Maurice Foushee and Sheila Cross Reid to grant; Jerrily R. Kress to grant by absentee vote).

VOTE: **3 – 0** (Betty King, Maurice Foushee and Sheila Cross Reid to adopt applicant's draft order, as amended; Jerrily R. Kress not present, not voting).

THIS ORDER WAS ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AT ITS PUBLIC MEETING OF MAY 6, 1998.

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF **TWO YEARS** AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Attested by: 
SHERI M. PRUITT-WILLIAMS
Interim Director

Final Date of Order: SEP 14 1998

ord16326/JN/TWR/AMB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16326

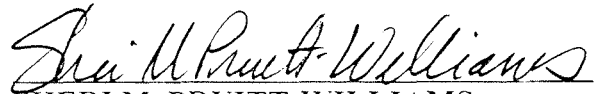
As Interim Director of the Office of Zoning, I hereby certify and attest that on SEP 14 1998 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher H. Collins
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

David C. Levy
2556 Massachusetts Avenue, N.W.
Washington, D.C. 20008

Jonda McFarlane, Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Attested By:


SHERI M. PRUITT-WILLIAMS
Interim Director

Date: SEP 14 1998

Att./twr